



Judicial Pensions and Retirement Act 1993

1993 CHAPTER 8

PART I

NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

Relationship with other pension schemes

13 Election for personal pension instead of judicial pension.

(1) A person to whom this Part applies, or to whom it would apply apart from this section, may be a member of a personal pension scheme while holding qualifying judicial office if, and only if, he serves on the appropriate Minister a written notice of election, which shall—

- (a) identify the personal pension scheme in question; and
- (b) be expressed to take effect on a date not less than three months after service of the notice;

and, in accordance with section 1(5) above, where a person makes an election under this section, he shall not be regarded as a person to whom this Part applies at any time when the election is in force.

(2) An election made by a person under this section—

- (a) shall be irrevocable, except as provided by the following provisions of this section; and
- (b) shall not affect any rights of his which accrued under this Part before the election comes into force;

and, in accordance with section 2(7)(b)(iii) above, any service of his in qualifying judicial office while the election is in force shall be left out of account in determining the length of his service in such office for the purposes of this Part.

(3) Where an election under this section is in force and the person who made it continues to hold qualifying judicial office, he may make a written application to the appropriate Minister requesting that he should once again become a person to whom this Part applies.

Status: Point in time view as at 31/03/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 13. (See end of Document for details)

- (4) If, on an application under subsection (3) above, the appropriate Minister is satisfied that the applicant is in good health, he may direct that this Part shall once again apply to the applicant with effect from a date (his “date of re-admission”) not less than three months after service of the application.
- (5) A person’s election under this section shall cease to be in force on his date of re-admission.
- (6) An applicant under subsection (3) above shall—
- (a) provide such evidence relating to his health, and
 - (b) submit to any such medical examination,
- as may be reasonably required by the appropriate Minister.
- (7) The appropriate Minister shall give written notice of his decision on an application under subsection (3) above to the applicant not later than three months after service of the application.
- (8) Where an election (whenever made) under any of the corresponding provisions is in force in respect of a person on the relevant day—
- (a) the election shall have effect for the purposes of this Part, and shall continue in force, as if made under this section; and
 - (b) if and so long as the election remains in force, the person shall be precluded from making an election under section 1(2) above;

but if, on an application under subsection (3) above in relation to the election, the appropriate Minister directs that this Part shall apply to that person, the election shall, in accordance with subsection (5) above, cease to be in force for the purposes of this Part (as well as for those of the Act or instrument containing the corresponding provision), paragraphs (a) and (b) above shall cease to have effect in relation to it, and the application shall have effect as the applicant’s election under section 1(2) above.

- (9) In this section—

“the corresponding provisions” means—

- (a) section 14A(3) of the 1981 Act;
- (b) section 116A(3) of the ^{M1}County Courts Act (Northern Ireland) 1959;
- (c) section 2A(3) of the ^{M2}Resident Magistrates’ Pensions Act (Northern Ireland) 1960;
- (d) section 2A(3) of the ^{M3}Lands Tribunal and Compensation Act (Northern Ireland) 1964;
- (e) section 2A(1) of the ^{M4}Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969;
- (f) paragraph 7A(3) of Schedule 10 to the ^{M5}Social Security (Northern Ireland) Act 1975;

and, in the case of any other judicial pension scheme, any provision of that scheme which confers a right to elect for a pension under a personal pension scheme;

“personal pension scheme” means a scheme in respect of which there is in force a current appropriate scheme certificate issued by the Occupational Pensions Board in accordance with [^{F1}section 7 of the Pension Schemes Act 1993] or, in the case of qualifying judicial office held in Northern Ireland, in accordance with [^{F2}section 1 of the Pension Schemes (Northern Ireland) Act 1993];

Status: Point in time view as at 31/03/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 13. (See end of Document for details)

“the relevant day”, in the case of any person, means the day on which this Part first applies, or would, apart from any election under this section or the corresponding provisions, first apply to him.

Textual Amendments

- F1** S. 13(9): words in the definition of “personal pension scheme” substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 46(2)** (with s. 6(8)); S.I. 1994/86, **art. 2**
- F2** S. 13(9): words in the definition of “personal pension scheme” substituted (7.2.1994) by virtue of 1993 c. 49, s. 184, **Sch. 7 para. 43(2)** (where the substitution is expressed to be in place of text in s. 13(9) which mainly but not fully matches the the actual wording in s. 13(9)); S.R. 1994/17, **art. 2**

Marginal Citations

- M1** 1959 c. 25 (N.I.).
- M2** 1960 c. 2 (N.I.).
- M3** 1964 c. 29 (N.I.).
- M4** 1969 c. 7 (N.I.).
- M5** 1975 c. 15.

Status:

Point in time view as at 31/03/1995. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 13.